

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DONTE L. FLOWERS,

Plaintiff,

v.

T. SCHLIG, et al.,

Defendants.

No. C 14-3154 JSW (PR)


**ORDER OF DISMISSAL**

Plaintiff, a California prisoner, has filed this pro se civil rights complaint under 42 U.S.C. § 1983, along with an application to proceed in forma pauperis. The complaint in this action makes the same claims against the same defendants as the in forma pauperis complaint filed in Plaintiff's earlier case, *Flowers v. Schlig, et al.*, No. 12-1748 JSW (PR). The Court dismissed Plaintiff's earlier case on July 11, 2012, because the claims asserted therein were not cognizable. Plaintiff was given leave to amend, but he elected not to do so. An in forma pauperis complaint that is duplicative insofar as it merely repeats previously litigated claims, like the complaint herein, may be considered abusive and dismissed under the authority of section 1915(e). *Cato v. United States*, 70 F.3d 1103, 1105 n.2 (9th Cir. 1995); *see also Bailey v. Johnson*, 846 F.2d 1019, 1021 (5th Cir. 1988) (same). Accordingly, this action is DISMISSED.

The Clerk shall close the file and enter judgment in Defendants' favor.

IT IS SO ORDERED.

DATED: August 8, 2014

  
JEFFREY S. WHITE  
United States District Judge

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

DONTE LEONARDO FLOWERS,

Case Number: CV14-03154 JSW

Plaintiff,

**CERTIFICATE OF SERVICE**

v.

T. SCHIG ET AL et al,


Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on August 8, 2014, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Leonardo Donte V36182  
Kern Valley State Prison  
P.O. Box 5104  
Delano, CA 93216

Dated: August 8, 2014

  
Richard W. Wieking, Clerk  
By: Jennifer Ottolini, Deputy Clerk